

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

STATE OF MARYLAND, *et al.*, *

Plaintiffs-Appellees, *

v. *

Nos. 25-1248, 25-1338

UNITED STATES DEPARTMENT *
OF AGRICULTURE, *et al.*,

*

Defendants-Appellants.

*

* * * * *

APPELLEES’ EMERGENCY MOTION FOR ADMINISTRATIVE STAY

Appellees (“the States”) move for an emergency administrative stay of this Court’s Order, Docket No. 42, dated today, April 9, 2025, pending resolution of the States’ forthcoming petition for rehearing en banc, to be filed no later than 5 p.m. Friday, April 11, 2025. Appellant Agencies oppose this motion.

Rehearing en banc is appropriate because, among other reasons, this case concerns a matter of exceptional importance: whether 20 federal agencies injured 19 States and the District of Columbia through the sudden and unlawful mass layoff of thousands of federal probationary employees without the 60-day advance notice required by federal law, and whether the Agencies should be permitted to resume their unlawful conduct while this case is pending. *See* Loc. R. 40(2)(D). The

question of whether the States have standing to seek redress is of vital importance and merits review by the full court.

If the status quo is not preserved through an immediate administrative stay, the Agencies will likely terminate thousands of probationary employees once again while the en banc court considers the States' petition. Allowing mass firings to go forward in this manner will cause chaos in, and significant injury to, the States. These unrecoverable costs and irreparable injuries include (1) expenses imposed on state rapid-response teams; (2) a surge in unemployment claims, often requiring exhaustive investigations; (3) disruption and damage to state programs depending on federal workers; and (4) financial harms from decreased tax revenue and increased reliance on state social service programs. (*See* ECF No. 125, at 9-16.)

The States accordingly seek a brief administrative stay from the panel pending disposition of their petition for rehearing en banc. Such a stay would preserve the status quo during the pendency of the States' petition and thus would appropriately prevent the potential whipsaw effect of differing court decisions in a short period of time.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limitations of Fed. R. App. P. 27(d)(2)(A) because the motion contains 305 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because the motion has been prepared in a 14-point proportionally spaced typeface, Times New Roman, using Microsoft Word.

/s/ Virginia A. Williamson

Virginia A. Williamson

CERTIFICATE OF SERVICE

I certify that on this 9th day of April, 2025, the foregoing Emergency Motion for Administrative Stay was filed electronically and served on counsel of record who are registered CM/ECF users.

/s/ Virginia A. Williamson
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